

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-23 are pending in the application. Claims 1-23 are rejected. Claims 1, 14, and 22-23 have been amended. No claims have been canceled. No new matter has been added.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph. In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome.

Claims 1-23 are rejected under 35 U.S.C. 101 because the prevention as claimed is directed to non-statutory subject matter.

In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed include a patentable subject matter. Applicant respectfully submits that the claims are fully disclosed in the specification and result in a physical transformation outside the computer which is practical in the technological arts. Specifically, independent claim 1 includes limitations of comparing each candidate with a reference structure to obtain dissimilarity information and determining a fitness value of each candidate based on the compliance of the candidate and the dissimilarity of the candidate with the reference structure. One or more new candidate entities are selected based on their respective fitness values.

It is respectfully submitted that independent claim 1 defines distinctive operations to generate a new entity based on the fitness including the compliance with the predetermined design requirement and the dissimilarity of the reference structure. The method involves physical manipulation of a data structure and an architecture of a physical object used to solve the problem. Applicant submits that independent claim 1 as amended clearly sets forth definite operations, as a whole, to achieve a new and useful, concrete, and tangible result. If independent claim 1 could not satisfy the requirements of 35 U.S.C. §101, none of the computer implemented

process claims in U.S. would satisfy the requirements of 35 U.S.C. §101. Therefore, for the reasons discussed above, independent claim 1 satisfies the statutory requirements of 35 U.S.C. §101.

Similarly, independent claims 22 and 23 include limitations similar to those in claim 1. Thus, for the reasons similar to those discussed above, claims 22 and 23 satisfy the requirements of 35 U.S.C. §101. The rest of the claims depend from one of the above independent claims. Therefore, for the reasons discussed above, these claims satisfy the requirements of 35 U.S.C. §101. Withdrawal of the rejections is respectfully submitted.

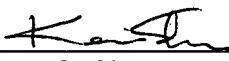
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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